

REMARKS

1. The Office Action has withdrawn the indication of allowable subject matter in the previous Office Action in view of the newly discovered prior art references to Sweet, McGothlin and Martin. This Office Action, however, continues to indicate allowable subject matter in Claims 3 - 7 and 14 - 18, the acceptance of which is reflected in the above amendments to the claims.

2. The Office Action has rejected Claims 2, 8, 9 and 13 under the provisions of 35 U.S.C. §102(b), as being anticipated by U. S. Patent No. 5,737,879 (Sweet). The Office Action states that Sweet discloses a rain gutter having the limitations of amended independent Claim 2, 8 and 13. This rejection is respectfully traversed.

Applicant would direct the Examiner's attention to the amendments to dependent Claim 3 to incorporate the limitations of Claim 2, as previously amended, thus rendering Claim 3 into an independent claim. As noted below, the Office Action has indicated that Claim 3 contains allowable subject matter. Accordingly, Claims 3 - 7 should be in condition for allowance. Applicant has also amended Claim 8 to incorporate the limitations of Claim 14, which is indicated below as containing allowable subject matter. Furthermore, Applicant has amended Claim 14 to incorporate the limitations of independent Claim 13, thus rendering Claim 14 into an independent claim.

In view of the amendments made above, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

3. The Office Action has rejected Claims 10 - 12 have been rejected under the provisions of 35 U.S.C. §103(a) as being unpatentable over Sweet in view of U. S. Patent No. 6,151,836 (McGlothlin) or U. S. Patent No. 4,912,888 (Martin) or U. S. Patent No. 4,727,689 (Bosler), although there is a typographical error in the rejection of Claim 12, but the undersigned attorney understands the rejection as being applied to Claim 12, rather than Claim 11. These rejections are respectively traversed.

Applicant would have the Examiner note the amendments to Claim 8 above to place this claim into allowable independent form by incorporating the limitations of Claim 14, which was indicated as containing allowable subject matter. Claims 10 - 12 depend from amended Claim 8 and should be passed to allowance with Claim 8.

In view of these amendments, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

4. The Office Action has objected to Claims 3 - 7 and 14 - 18 as being dependent upon a rejected base claim. These claims were indicated as being allowable if placed into independent form. Applicant respectfully submits that the amendments made to Claims 3 and 14 above places this claim into independent form and is in condition, therefore, for allowance. The remaining dependent Claims 4 - 7 and 15 - 18 have been retained in their dependent form depending from amended independent Claims 2 and 14, respectively, and should be allowable therewith. Claims 1 and 2 have been canceled from the application.

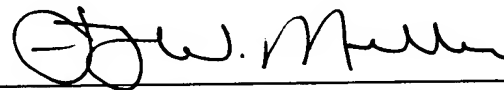
Accordingly, Applicant respectfully requests that this objection be reconsidered and withdrawn.

5. In summary, Claims 3, 8 and 14 have been amended, Claims 2 and 13 have been canceled, and Claims 3 - 12 and 14 - 18 remain in the application. Applicant believes that the claims are allowable based on the foregoing amendments. Applicant respectfully requests that all rejections and objections be reconsidered and withdrawn and that all claims remaining in this case be allowed.

Pursuant to currently recommended Patent Office practice, the Examiner is expressly authorized to call the undersigned attorney if in his judgment disposition of this application could be expedited or if he considers the case ready for final disposition by other than allowance.

Respectfully submitted,

Date: November 22, 2006



Larry W. Miller, Reg. No. 29,417
Attorney for Applicant
Miller Law Group, PLLC
25 Stevens Avenue
West Lawn, PA 19609
Phone: (610) 670-9000
Fax: (610) 670-9901